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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,452	06/29/2001	Robert M. Fries	1111	3197

7590 02/27/2006

LAW OFFICES OF  
ALBERT S MICHALIK PLLC  
704 228TH AVENUE NE  
SUITE 193  
SAMMAMISH, WA 98074

EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/895,452	<b>Applicant(s)</b> FRIES, ROBERT M.	
	<b>Examiner</b> Sumaiya A. Chowdhury	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-46 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claim 1, drawn to a TV based system with controlling an on-screen display mechanism in the STB to interact with the user, classified in class 725, subclass 52.
  - II. Claim 2, drawn to a source and receiver with latency, classified in class 725, subclass 136.
  - III. Claims 3-13, drawn to outputting video signals at a receiver with the receiver outputting video signals to display the second image over the first image to provide visual feedback, classified in class 348, subclass 589.
  - IV. Claims 14-18, drawn to a method in an audiovideo transmission environment for purchasing, classified in class 725, subclass 110.
  - V. Claims 26-28, drawn to a receiver with receiving data indicating that a page is no longer displayed, classified in class 725, subclass 110.

- VI. Claim 29, drawn to a receiver with receiving an explicit user command to submit information to the server, classified in class 725, subclass 110.
- VII. Claims 30-31, drawn to a head-end source and client with enabling an STB to receive data corresponding to an email, classified in class 725, subclass 110.
- VIII. Claims 33-36, drawn to drawing focus on the default link by superimposing a second image over the first image, classified in class 348, subclass 589.
- IX. Claims 38-39, drawn to in response to the interactive command, updating a second image superimposed over a separate read-only field, classified in class 348, subclass 589.
- X. Claim 19, drawn to a method of representing user interaction with video image with receiving a substantially static, high-quality image, classified in class 348, subclass 590.
- XI. Claims 20-22, drawn to a server and client with changing a page and controlling a slide show, classified in class 725, subclass 116.

- XII. Claims 40-41, drawn to providing a new page of content for a carousel of pages, classified in class 725, subclass 116.
- XIII. Claim 46, drawn to selecting a first page of a plurality of pages based on at least one criterion, classified in class 725, subclass 116.
- XIV. Claims 23-25, drawn to audiovideo data transmitted from a source with if selection lacks an associated time, tuning to a channel, classified in class 725, subclass 61.
- XV. Claim 32, drawn to a receiver with determining whether the channel to which the receiver is tuned is a subscriber channel, classified in class 725, subclass 27.
- XVI. Claim 37, drawn to a receiver with in response to an interactive command, processing the page including interpreting the metadata, classified in class 725, subclass 38.
- XVII. Claim 42, drawn to a computer-implemented method with the first phase post-processing tool providing output data to a second phase post-processing tool, classified in class 348, subclass 581.

XVIII. Claims 43-45, drawn to a head-end source and a receiver with each transmitted page comprises at least one block of encoded data, classified in class 725, subclass 109.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I-XVIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, the search required for one subcombination is not required by any of the other subcombinations. See MPEP § 806.05(d).

### ***Conclusion***

4. A telephone call was made to Albert S. Michalik on 2/9/06 to request an oral election to the above restriction requirement, but did not result in an election being made.


Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



**CHRISTOPHER GRANT**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**